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Several months ago EPA Regional staff briefed Senator Burns and Appropriations Committee staff on the Libby Asbestos site. Here is an update.

### Clean up Progress

EPA's highest priority at the Libby, Montana Superfund site is the clean-up work that protects human health. In 2005 we planned to clean up 200 properties and completed 219, for a total of 572. We expect to complete another 200 in 2006. We estimate that a total of \_\_\_\_X\_\_ properties will require cleanup in and around Libby, and an additional \_\_\_\_Y\_\_ in Troy.

### Record of Decision

Our work has been conducted under EPA's emergency response authorities. In early December, the 9th Circuit Court upheld our use of this authority, affirmed our overall approach to cleanups in Libby, and agreed with a judgment recovering \$54 million in past costs incurred by EPA under that authority. We now know more of the virulent nature of Libby asbestos and have developed proven analytical and cleanup methods to respond to the technical problem uniquely associated with this type of asbestos. The Agency is therefore preparing to issue a Record of Decision (ROD) that takes the response action into a longer-term Remedial Action strategy, providing for more precise standards and addressing long-term concerns such as how to manage vermiculite remaining in place.

No fewer than 18 technical reports are currently in various stages of production to support the Baseline Risk Assessment, Remedial Investigation, and Feasibility Study leading to the Proposed Plan and ROD. Setting aside the time for technical review by the Agency, the community expects to examine and comment on these documents. Public review of our work is a critical path item in issuing a ROD. We need community support, making it unwise to rush its review or undervalue its concerns.

### Recent Developments

Several developments have contributed to delay and still pose risk to our schedule.

- Regional staff working on the Libby site are continually needed to support the upcoming criminal trial of seven former W.R. Grace officers and employees. Discovery is currently underway and unavoidable. This presents a periodic and significant burden to our staff working on the various end products leading to a ROD for Libby.

- At this point it appears that project management staff will be called on in the next few months to forecast outcomes for the site and produce cost estimates as we seek to recover additional costs from the responsible party, W.R. Grace.

Site Schedule

The litigation does not affect our highest priority, cleanup. Cost recovery, likewise, does not affect cleanup. Recent actions dedicating certain staff exclusively to field work and clean-up related project management makes this possible.

The Region originally intended to issue a Record of Decision in the late Spring of this year. We recently modified that timeframe and planned on issuing a Proposed Plan to the public in mid-June. It now appears that in order to fully satisfy the urgent litigative and cost recovery requirements at least a 60 day effort by some of our key technical staff will be necessary. We therefore expect to issue a Proposed Plan in mid-August. The ROD will be completed and signed after the 60 day public comment period and EPA's response to comments, barring any controversy as a result of public input.